

ESTTA Tracking number: **ESTTA703870**

Filing date: **10/22/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	ROMAR UNIVERSAL, INC.		
Entity	Corporation	Citizenship	FL
Address	1404 E. LAS OLAS BLVD. SUITE 2300 FT. LAUDERDALE, FL 33301 UNITED STATES		

Attorney information	LOUIS R. GIGLIOTTI LOUIS R. GIGLIOTTI, PA 1605 DEWEY STREET HOLLYWOOD, FL 33020 UNITED STATES LGIGLIOTTI@BELLSOUTH.NET Phone:9544714392
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Applicant Information

Application No	86622246	Publication date	09/22/2015
Opposition Filing Date	10/22/2015	Opposition Period Ends	10/22/2015
Applicant	LIT DISTRIBUTOR, INC. 11652 COLLINS CREEK DR. JACKSONVILLE, FL 32258 UNITED STATES		

Goods/Services Affected by Opposition

Class 034. First Use: 2003/07/10 First Use In Commerce: 2003/07/23 All goods and services in the class are opposed, namely: Cigarettes

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Mark Cited by Opposer as Basis for Opposition

U.S. Application No.	86671131	Application Date	06/23/2015
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	NEW		

Design Mark	NEW
Description of Mark	NONE
Goods/Services	Class 034. First use: First Use: 2003/07/23 First Use In Commerce: 2003/07/23 Cigarette tubes; Cigarettes; Filtered cigars and cigarettes

Attachments	86671131#TMSN.png(bytes) New Opposition.pdf(80354 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/LOUIS R. GIGLIOTTI, ESQ./
Name	LOUIS R. GIGLIOTTI
Date	10/22/2015

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of trademark application Serial No: 86/622,246

For the mark NEW

Published in the Official Gazette on September 22, 2015

ROMAS UNIVERSAL, INC.,

Opposer,

v.

LIT DISTRIBUTOR, INC.,

Applicant,.

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NOTICE OF OPPOSITION

COMES NOW, Opposer, ROMAS UNIVERSAL, INC., a Florida corporation, by and through undersigned counsel, files this Notice of Opposition, and as for grounds, states as follows:

1. Opposer is the owner of the trademark NEW for use on cigarettes, amongst other things.
2. Opposer is also owner of the pending application Applicant No.: 86/671131, for use on cigarettes, cigarette tubes, filtered cigars and cigarettes.

3. Opposer is the first user of the trademark NEW on goods in International Class 034, and Applicant' s use is likely to cause confusion or to deceive as to the source of the related and identical goods.
4. Opposer had permitted, by license and agreement, Applicant to import goods bearing the NEW trademark, and has since terminated the license or permission.
5. Unbeknownst to Opposer, Applicant filed an application (pending and at issue) without authority or right.
6. Upon information and belief, Opposer' s trademark application will not proceed until Applicant' s application is terminated or refused.
7. Opposer is damaged by Applicant' s efforts and seeks the refusal of registration for the above-stated reasons, amongst others.

WHEREFORE, Opposer respectfully requests an ultimate finding that its grounds for opposition be sustained.

October 22, 2015

Submitted by: /Louis R. Gigliotti, Esq./

Louis R. Gigliotti, Esq.

Louis R. Gigliotti, PA

1605 Dewey Street

Hollywood, FL 33020

Email: lgigliotti@bellsouth.net

Ph: (954) 471-4392

